

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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MICHAEL SCHULTZ, JOHN SCALA, HUUB  
VAN ROOSMALEN, KIP KIRCHER, ROBERT  
H. WAKE and LOUIS SPANBERGER, On Behalf  
of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

08-cv-000314-SLC

TOMOTHERAPY INCORPORATED,  
FREDERICK A. ROBERTSON, T. ROCKWELL  
MACKIE, STEPHEN C. HATHAWAY, PAUL  
RECKWERDT, MICHAEL J. CUDAHY, JOHN J.  
MCDONOUGH, JOHN NEIS, CARY C. NOLAN,  
CARLOS A PEREZ, M.D., SAM R. LENO and  
FRANCES S. TAYLOR,

08-cv-000342-SLC

CLASS ACTION

Defendants.

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ORDER APPROVING PLAN OF ALLOCATION

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This matter came before the Court for hearing pursuant to the Order of this Court dated September 23, 2010, on the application of the parties for approval of the settlement set forth in the Stipulation of Settlement dated as of July 28, 2010 (the "Stipulation"). Due and adequate notice having been given to the Class as required in the Court's Order, and the Court having considered all papers filed and proceedings held herein and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Order incorporates by reference the definitions in the Stipulation, and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation.
2. This Court has jurisdiction over the subject matter of the Litigation and over all parties to the Litigation, including all members of the Class.
3. The Plan of Allocation is approved as fair and reasonable, and the Claims Administrator is directed to administer the Settlement Fund in accordance with its terms.

IT IS SO ORDERED.

DATED: March 18, 2011

Barbara B. Crabb  
~~THE HONORABLE STEPHEN L. CROCKER~~  
UNITED STATES ~~MAGISTRATE~~ JUDGE

Submitted by,  
**Robbins Geller Rudman & Dowd LLP**  
Paul J. Geller  
Jack Reise  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)

**Law Offices Bernard M. Gross, P.C.**  
Deborah R. Gross  
Robert P. Frutkin  
Kay E. Sickles  
100 Penn Square East, Suite 450  
Philadelphia, PA 19107  
Telephone: 215/561-3600  
215/561-3000 (fax)

**Co-Lead Counsel for Plaintiffs**

**Ademi & O'Reilly, LLP**

Guri Ademi

3620 East Layton Avenue

Cudahy, WI 53110

Telephone: 414/482-8000

414/482-8001 (fax)

**Liaison Counsel**